

REMARKS

The remarks and the accompanying amendments are responsive to the Office Action mailed July 20, 2004 (hereinafter referred to as the "Office Action"). At the time of the last examination, Claims 1-17 were pending. By this amendment, all of the independent claims 1, 9 and 10 are currently amended, and the dependent claims remain the original, thus leaving Claims 1-17 (including amended claims 1, 9 and 10) for further consideration.

The Office Action objected to informalities in Claims 1, 9 and 10. Specifically, the Office Action indicated that the use of "and/or" makes these claims indefinite. Claims 1, 9 and 10 are amended herein to address this objection.

The Office Action rejected claims 1-17 under 35 U.S.C. 102(b) as being unpatentable by United States patent number 5,293,640 issued to Gunmar et al. (hereinafter referred to as "Gunmar"). The applicants respectfully disagree in light of the following remarks and the amendments to the claims.

Gunmar describes that interference power varies depending on the instantaneous position of the interfering mobile unit, and that the interference powers can be statistically characterized using a distribution function. Gunmar further describes that instead of calculating the distribution function itself, the mean value and deviation for the true distribution may be calculated to simulate such interference powers (see Gunmar, from line 26 of column 6 to line 24 of column 7).

However, in Gunmar, the calculation of the mean value and the deviation is based on the measurement results of interference powers from the mobile unit in a single "coverage area". For instance, referring to Figure 2 of Gunmar, the mean value and the deviation is based on the measurement results of interference powers from the mobile unit M_j within coverage area j . In contrast to the applicants' claims, Gunmar does not teach or suggest that the calculation "of the

mean and variance of applied traffic at the base stations from the transmission power data and the traffic intensity data" wherein the transmission power data and the traffic intensity data are of a plurality of subdivisions (i.e., coverage areas) as recited in each of the independent Claims 1, 9 and 10 (as amended). Additionally, Gunmar does not teach or suggest the use of traffic intensity data in the calculation of the mean value and variances, also in contrast to the independent Claims 1, 9 and 10. In addition, in Gunmar, the mean value and deviation of the simulated interference power is calculated, not the "mean and variance of applied traffic" (emphasis added) as recited in each of the independent Claims 1, 9 and 10. Therefore, Claims 1, 9 and 10, particularly as amended, are not anticipated by nor rendered unpatentable by Gunmar.

Claims 2-8 and 11-17 depend, directly or indirectly, from corresponding independent Claims 1 and 10, and are thus not anticipated by nor rendered unpatentable by Gunmar for at least the same reasons as provided for their corresponding independent claim.

Therefore, withdrawal of the 35 U.S.C. 102(b) rejection and other favorable action are respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 13th day of October, 2004.

Respectfully submitted,



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